

**MINUTES OF THE PUBLIC MEETING OF THE UTAH COUNTY COMMISSION JULY 29, 2013 IN THE COMMISSION CHAMBERS OF THE COUNTY BUILDING AT 147 EAST MAIN, VERNAL, UTAH. MEETING COMMENCED AT 11:00 AM.**

**PARTICIPANTS:** COMMISSION CHAIR MARK RAYMOND AND COMMISSIONERS DARLENE BURNS AND MICHAEL MCKEE.

**ATTENDANCE:** RYAN RUNOLFSON, RANDY VINCENT, ED ZURBUCHEN, CINDY EMMONS, SCOTT BRINTON, ALAN HASLEM, JIM LEKAS, MARY BERNARD, WAYNE STEVENS, VANCE NORTON, TERRY SHERMAN, MARK MURRAY, MIKE DUNKER, RUSS PERRY, MARCUS BATTY, STEVEN SROKA, GORDON LARSEN, JEREMY RAYMOND, PAUL POISTER, BRYAN MEIER, WANDA MURRAY, ALEXANDRA GREEN, ADRIAN MORRISSETTE, NICK RICHINS, RUTH BROWN, MARK MUTH, BILL THOMSON, KEN BASSETT, CHERYL STOCKS, JACK KLUN, ROBIN O'DRISCOLL, JON STEARMER, KENT COOK, ANDREA SMITH, BRENDA DURANT, ELLEN COOK, DALL COOK, SCOTT HACKING, TROY OSTLER, CINDY PERRY, DARRIN BROWN, JOLYN RUNOLFSON, MARTY BANKS, JOSEPH SHAFFER, AND JAY HASLEM.

**MINUTES RECORDED BY TAI BRUCKNER, DEPUTY CLERK-AUDITOR.**

**PRAYER:** JEREMY RAYMOND

**PLEDGE:** TROY OSTLER

**MINUTES OF THE REGULAR COMMISSION MEETING JULY 15, 2013 WERE APPROVED AS PRESENTED.**

**APPROVAL OF WARRANTS:** DATED JULY 19, 2013 IN THE AMOUNT OF \$741,245.42 AND DATED JULY 25, 2013 IN THE AMOUNT OF \$454,342.21 WERE APPROVED AS PRESENTED.

**TAX MATTERS:** NONE

**BUSINESS LICENSES:** ROBERT BARNHILL

CAJUN FIREARMS WAS APPROVED APRIL 22, 2013 AND WAS SCHEDULED FOR REVIEW TODAY AS APPROVAL WAS BASED ON THE CONDITION THEY OBTAIN AN ATF (ALCOHOL, TOBACCO, AND FIREARMS) LICENSE. THIS HAS BEEN OBTAINED AND THEY HAVE MET THEIR CONDITIONS.

WESTROC REPAIR LLC, OWNED BY WESTONA HORROCKS, LOCATED AT 1376 EAST 4500 SOUTH, VERNAL IN I-1 ZONING. THIS BUSINESS LICENSE IS FOR MECHANICAL SERVICES FOR THE OILFIELD. THEY PASSED ALL INSPECTIONS. APPROVAL IS RECOMMENDED WITH THE CONDITION TO FOLLOW ALL I-1 ZONING REGULATIONS. WESTROC IS A COMPANY THAT HAS BEEN AROUND FOR A LONG TIME BUT THEY ARE BREAKING INTO SEPARATE DIVISIONS.

SDP TRANSPORT, OWNED BY SANDRA DEPUCCI, LOCATED AT 1630 EAST 3500 SOUTH, VERNAL IN RA-1 ZONING. THIS IS A HOME OFFICE ONLY, THE WATER TRUCKS WILL NOT BE PARKED AT THE RESIDENCE; THEY ARE PRIMARILY IN NORTH DAKOTA. APPROVAL RECOMMENDED WITH THE CONDITIONS TO FOLLOW ALL HOME BUSINESS AND RA-1 ZONING REGULATIONS.

LANDMARK ENERGY SERVICES, OWNED BY MARK SCOTT, LOCATED AT 3789 EAST 4000 SOUTH, VERNAL. THEY PROVIDE SERVICES TO THE OILFIELD. HE HAS SOME PARTS IN THE BACK OF HIS PICKUP. APPROVAL RECOMMENDED WITH THE CONDITIONS TO FOLLOW ALL HOME BUSINESS AND A-1 ZONING REGULATIONS.

COMMISSIONER BURNS MOVED TO APPROVE THE THREE BUSINESS LICENSES AS PRESENTED WITH THEIR APPROPRIATE CONDITIONS. COMMISSIONER MCKEE SECONDED. MOTION PASSED UNANIMOUSLY.

**CEMETERY CERTIFICATES:** NONE

**ORDINANCE #06-03-2013 O1:** AMENDING LOCATION REQUIREMENTS IN THE A-1, RA-1, R-1, R-2, AND R-3 ZONES. (TABLED FROM JUNE 3, 2013)

THE PROPOSED CHANGES WILL ADJUST THE SETBACK ON MAJOR COLLECTOR ROADS FROM 83 FEET FROM THE CENTER LINE TO 70 FEET FROM THE CENTER LINE. THESE MAJOR COLLECTOR ROADS ARE INDICATED ON THE MASTER PLAN. STATE AND FEDERAL HIGHWAYS WILL MAINTAIN THE SETBACK OF 83 FEET. THERE IS ALSO A CHANGE IN THE R-1 ZONE CORRECTING THE BACK SET BACK TO TEN FEET FROM 25 FEET. THIS WILL MATCH WITH THE A-1 AND RA-1 ZONES.

COMMISSIONER MCKEE NOTED THE REGULAR SET BACK REQUIREMENT ON COUNTY ROADS IS 56 FEET. STATE AND FEDERAL HIGHWAYS HAVE A SET BACK OF 83 FEET. THE SETBACK OF 83 FEET ALLOWS FOR THE EXPANSION OF THESE MAJOR COLLECTOR ROADS BUT LEAVES HOMEOWNERS WITH LARGE FRONT YARDS AND VERY SMALL BACK YARDS. SEVERAL COMPLAINTS HAVE BEEN RECEIVED.

COMMISSIONER MCKEE MOVED TO APPROVE ORDINANCE #06-03-2013 O1 AS PRESENTED EXCEPT ADJUSTING THE SETBACK FROM 83 FEET TO 60 FEET. COMMISSIONER BURNS SECONDED.

ED ZURBUCHEN ASKED IF THIS WOULD AFFECT ANY OTHER ROADS. IT WILL NOT. THIS SETBACK CHANGE ONLY AFFECTS THE FEW MAJOR COLLECTOR ROADS IN THE COUNTY. COMMISSIONER RAYMOND NOTED THE SETBACK WAS CREATED TO ALLOW EXPANSION. THEY DO NOT FORESEE THE NEED TO EXPAND IN THE FUTURE. THEY ALSO RECOGNIZE THIS COULD BE AN ISSUE IN THE DISTANT FUTURE.

COMMISSIONER RAYMOND CALLED FOR A VOTE. MOTION PASSED UNANIMOUSLY.

**UTAH DEPARTMENT OF TRANSPORTATION (UDOT):** REDWASH ROAD CONTRACT MODIFICATION #1  
JON STEARMER PRESENTED THE PROPOSAL TO MODIFY THE REDWASH ROAD CONTRACT. IT IS SIMPLY A STAFFING MODIFICATION. THE TOTAL AMOUNT WAS INCREASED BY \$5,153.50 AS ADDITIONAL MAN HOURS WERE NEEDED. THE TERMINATION DATE OF MARCH 31, 2014 STAYS THE SAME AS DOES EVERYTHING ELSE.

COMMISSIONER BURNS MOVED TO ACCEPT THE REDWASH ROAD CONTRACT MODIFICATION #1 AND AUTHORIZE SIGNATURES. COMMISSIONER MCKEE SECONDED. MOTION PASSED UNANIMOUSLY.

IN RESPONSE TO ED ZURBUCHEN'S QUESTION, THE UDOT FUNDS ARE LIMITED. THE DESIGN IS FOR THREE MILES AND THEY WILL CONSTRUCT WHAT THEY CAN FOR THE TWO MILLION DOLLARS RECEIVED FROM UDOT.

**COMMUNITY DEVELOPMENT: PUBLIC MEETING – MATT CAZIER  
SUBDIVISION:**

**1. SILVER LEAF COVE** – APPROVAL OF THE ESCROW AGREEMENT FOR A MAJOR SUBDIVISION AT 1015 SOUTH VERNAL AVE, VERNAL; SERIAL # 05:055:0001

THE BOND FOR IMPROVEMENTS IS HELD BY ADVANCED TITLE. THE AGREEMENT IS BETWEEN THE COUNTY, THE DEVELOPER AND THE TITLE COMPANY STATING HOW THE FUNDS WILL BE RELEASED AND WHEN. THERE WAS ALSO AN ADDENDUM ADDED BY LOREN ANDERSON CONTAINING LANGUAGE SAYING IF THE DEVELOPER WERE TO DEFAULT, THE COUNTY CAN COLLECT THE FUNDS WITHOUT THE DEVELOPER'S APPROVAL. SILVER LEAF AGREED WITH THE ADDENDUM AND HAS SIGNED. THE TITLE COMPANY HAS ALSO SIGNED.

COMMISSIONER MCKEE MOVED TO APPROVE THE ESCROW AGREEMENT FOR SILVER LEAF COVE AND AUTHORIZE SIGNATURES. COMMISSIONER BURNS SECONDED. MOTION PASSED UNANIMOUSLY.

**REZONE:**

**2. LLOYD BARTON** – REZONE PROPERTY AT 12001, 12625, 11454, & 11350 EAST HIGHWAY 40, GUSHER FROM A-1, AGRICULTURAL & MG-1, MINING AND GRAZING TO I-1, INDUSTRIAL; SERIAL #'S 07:004:0002, 07:005:0003, 07:008:0001, 07:003:0002.

THIS PROPERTY ENCOMPASSES BOTH SIDES OF HIGHWAY 40. THE ITEM WAS TABLED LAST MONTH TO OBTAIN FURTHER INFORMATION. PLANNING COMMISSION RECOMMENDED APPROVAL TO REZONE I-1 ON ALL PRESENTED PROPERTIES.

COMMISSIONER BURNS NOTED THIS HAS BEEN REVIEWED OVER THE LAST MONTH AND THEY HAVE CONSULTED THE FUTURE LAND USE PLAN MAP. IT WAS PROPOSED TO HAVE COMMERCIAL ALONG THE HIGHWAY.

COMMISSIONER BURNS MOVED TO REZONE THE PROPERTIES TO C-1, COMMERCIAL, 300 FEET FROM THE CENTER LINE AND I-1, INDUSTRIAL, BEYOND THAT LINE ON ALL PROPERTIES. COMMISSIONER MCKEE SECONDED.

ADRIAN MORRISETTE ADDRESSED THE MEETING. HE DOES NOT HAVE A PROBLEM WITH 300 FEET OF COMMERCIAL ZONING IN FRONT OF INDUSTRIAL ZONING. THEY ADJUSTED THEIR PLAN. THERE WILL BE A FEW AREAS WHERE COMMERCIAL WILL GO BACK ABOUT 400 FEET. HIS UNDERSTANDING IS THEY HAVE 100 FEET OF FLEXIBILITY FOR THE ZONING BOUNDARY.

TROY OSTLER ADDRESSED THE MEETING WITH A PIECE OF INFORMATION. HE REMEMBERS THE RIGHT OF WAY ALONG HIGHWAY 40 TO BE AS MUCH AS 200 FEET.

SOME DISCUSSION REGARDING SETTING THE COMMERCIAL 300 FEET FROM THE CENTER LINE OR 300 FEET FROM THE UDOT RIGHT OF WAY OR CHANGING THE NUMBER OF FEET ENSUED. IT WAS MENTIONED THE LINE SHOULD BE DEFINED AS IT IS DIFFICULT TO ADJUST AFTER BUILDINGS HAVE ALREADY BEEN PUT UP. JON STEARMER EXPRESSED HIS CONCERN WITH SPLITTING THE ZONING ON A PARCEL.

COMMISSIONER BURNS AMENDED HER MOTION TO REZONE ALL THE PROPERTIES C-1, COMMERCIAL 300 FEET FROM THE EDGE OF THE UDOT RIGHT OF WAY AND I-1, INDUSTRIAL BEYOND THAT. COMMISSIONER MCKEE AGREED. MOTION PASSED UNANIMOUSLY.

#### **CONDITIONAL USE PERMIT:**

**3. ADRIAN MORRISETTE** – CUP FOR A 120 SPACE RV PARK INCLUDING AN EQUESTRIAN AREA ON PROPERTY OWNED BY LLOYD BARTON AT 12001 EAST HIGHWAY 40, GUSHER: SERIAL #07:004:0002. THIS IS PART OF THE PROPERTY JUST REZONED. THE RV PARK WILL ACTUALLY BE 90 SPACES NOT 120. MATT ALSO NOTED, THE PLANNING COMMISSION SAW THE NEW PLANS BUT IT WAS NORTH OF HIGHWAY 40. THIS PLAN IS ON THE SOUTH SIDE, A MIRROR IMAGE OF WHAT PLANNING COMMISSION SAW. THIS CHANGE WAS TO ADDRESS ACCESS ISSUES ON HIGHWAY 40. THERE IS NO SEWER AT THIS LOCATION AT THIS TIME.

DARRIN BROWN, ENVIRONMENTAL HEALTH DIRECTOR FOR TRI COUNTY HEALTH, ADDRESSED THE ITEM. THEY MUST HAVE APPROVAL THROUGH TRI COUNTY HEALTH BEFORE ANY BUILDING CAN BE STARTED FOR THE RV PARK. IT WOULD BE A VERY LARGE SYSTEM AND THEY WILL HAVE TO GO THROUGH WATER QUALITY.

PLANNING COMMISSION RECOMMENDED APPROVAL WITH THE CONDITIONS THE RV PARK IS ALLOWED UP TO 90 SPACES, ALL COUNTY REGULATIONS FOR AN RV PARK MUST BE FOLLOWED, APPROVAL FROM TRI COUNTY HEALTH MUST BE OBTAINED, AND UDOT MUST PROVIDE APPROVAL FOR THE ACCESS ON HIGHWAY 40. THE COUNTY SHOWS THE ACCESS AS A CLASS D ROAD BUT IT WILL STILL REQUIRE APPROVAL.

COMMISSIONER MCKEE MOVED TO APPROVE THE CUP WITH THE RECOMMENDED CONDITIONS AS WELL AS FIRE MARSHALL APPROVAL. COMMISSIONER BURNS SECONDED. MOTION PASSED UNANIMOUSLY.

**AGRICULTURAL PROTECTION – PUBLIC HEARING:**

**4. KENT, DALL AND NED COOK, JOHN KLUN AND ROD MURRAY – AGRICULTURAL PROTECTION AREA ON PROPERTIES AT APPROXIMATELY 2500 E 4000 S, VERNAL; 06:053:0086, 06:053:0084, 06:053:0041, 06:051:0031, 06:051:0039, 06:051:0147, 06:051:0040, 06:051:0028, 06:062:0010, 06:062:0011, 06:062:0012, 06:053:0085, 06:053:0087, 06:062:0052 & 06:062:0008.**

THERE ARE 15 PARCELS INVOLVED, WITH A TOTAL OF 428 ACRES. THEY ARE EAST AND WEST OF DAVIS ELEMENTARY SCHOOL. THE PARCELS ARE USED FOR GRASS AND ALFALFA PRODUCTION AND GRAZING. THERE ARE THREE DWELLINGS. THE SOIL CONSERVATION DISTRICT AS WELL AS PLANNING COMMISSION HAS RECOMMENDED APPROVAL.

COMMISSIONER MCKEE TOOK A MOMENT TO ADDRESS THE ITEM. THE COMMISSION, AS A WHOLE, STRONGLY BELIEVES IN AGRICULTURAL PROTECTION ZONES. A NUMBER OF PARCELS HAVE BEEN INCORPORATED IN PROTECTION ZONES. PERSONALLY, HE RECOGNIZES THE IMPORTANCE OF SUCH ZONES. THE COMMISSION HAS RECEIVED A FEW REQUESTS AND THEY HAVE BEEN PUT OFF. THE COMMISSION IS CONCERNED WITH THE LAW. CENTRAL UTAH WATER NEEDED TO PUT IN A PIPELINE IN THE OREM AREA THAT INVOLVED 30 PROPERTY OWNERS. ALL BUT ONE AGREED. THEY WOULD NOT CONDEMN THE PROPERTY AND IT COST THEM MILLIONS TO ROUTE AROUND THE PARCEL. THIS IS A LEGISLATIVE ISSUE, THE LAW NEEDS TO BE REVISED TO PREVENT THESE ISSUES. IT IS NOT RECOMMENDED TO REMOVE THE NRCS AND FARM BUREAU FROM THE PROCESS. ONCE THIS ISSUE IS CORRECTED, THE COMMISSIONERS WOULD BE HAPPY TO APPROVE THE ZONE.

JACK KLUN SPOKE UP. THERE ARE ISSUES AFFECTING THE AGRICULTURE IN THE AREA NOW. THERE IS A LARGE LOT SPLIT TO THE SOUTH OF THEM THAT WILL BRING IN A LOT MORE HOMES AND SHOULD BE ADDRESSED BEFORE MORE ISSUES ARISE. WAITING FOR THE LEGISLATURE TO MAKE A MOVE DOESN'T ADDRESS THE CURRENT SITUATION.

COMMISSIONER MCKEE ASKED THE GROUP IF THEY COULD WAIT UNTIL THE LEGISLATURE MEETS AGAIN. THEY SHOULD MEET THE FIRST PART OF MARCH. JACK KLUN RESPONDED THEY COULD BUT ARE CONCERNED ABOUT THE SHORT TERM. THEY NEED SOMETHING DONE NOW, WHILE THEY WAIT FOR THE LEGISLATURE.

KENT COOK ADDRESSED THE MEETING TO ECHO WHAT JACK HAD SAID. THEY NEED PROTECTION NOW, WAITING WON'T DO ANY GOOD. NEIGHBORS COMPLAIN BECAUSE THE SPRINKLERS MAKE TOO MUCH NOISE, BUT THEY WANT TO SEE THE GREEN FIELDS. THE LOGIC OF THEIR COMPLAINTS USUALLY DOESN'T MAKE SENSE BUT THEY ARE COMPLAINING NONETHELESS. HE UNDERSTANDS THERE IS A PARCEL, VERY NEAR THOSE INVOLVED IN THIS REQUEST, RECENTLY PURCHASED BY THE COUNTY FOR A LOW INCOME HOUSING DEVELOPMENT. HE DOESN'T KNOW THE PLANS BUT MOVING PEOPLE IN CLOSER WILL CAUSE MORE PROBLEMS. THE ISSUES WITH THE LAW MAY NOT BE ADDRESSED BY THE LEGISLATURE IN MARCH. HE AGREES IT IS NOT A GOOD IDEA TO REMOVE THE NRCS FROM THE PROCESS. THIS AGRICULTURE PROTECTION ZONE HAS RESULTED IN FAR MORE GOOD THAN BAD. ONE BAD ISSUE DOESN'T ERASE ALL THE GOOD THAT HAS BEEN DONE BY THIS PROCESS.

ELLEN COOK ALSO ADDRESSED THE MEETING. SHE WOULD LIKE THE COMMISSIONERS TO GIVE THEM PROTECTION NOW AND DEAL WITH THE LEGISLATURE LATER. DEVELOPMENTS ARE NOT WAITING TO SEE WHAT THE LEGISLATURE DOES. THIS ISSUE WITH THE LAW MAY BE IGNORED FOR YEARS. IT IS NOT RIGHT THAT ONE PERSON MOVING IN CAN CONTROL THE ENTIRE AREA. THE COMMISSIONERS ARE ELECTED IN TO PROTECT THE CITIZENS. THE BUILDING WILL CONTINUE MOVING IN AND BUYERS NEED TO UNDERSTAND THE AREA THEY ARE MOVING INTO.

COMMISSIONER RAYMOND CLOSED THE PUBLIC HEARING PORTION.

COMMISSIONER MCKEE NOTED HE UNDERSTANDS WHAT IS BEING SAID. HE HAS MADE MOST OF HIS LIVING MOST OF HIS LIFE WITH AGRICULTURE. HE IS HOPING TO WAIT UNTIL MARCH, FEELING THE LEGISLATURE WILL ADDRESS THE ISSUE. HE IS HEARING THERE ARE DRASTIC CONCERNS HERE AND NOW THAT NEED TO BE ADDRESSED.

COMMISSIONER MCKEE MOVED TO APPROVE THE AGRICULTURAL PROTECTION ZONE AS REQUESTED. COMMISSIONER BURNS SECONDED. MOTION PASSED UNANIMOUSLY.

**REZONE:**

**5. DEARMON BATTY** – REZONE PROPERTY OWNED BY RICHARD AND PAMELA MERRILL, AT 2611 W 500 N, VERNAL FROM RA-1, RESIDENTIAL TO C-1, COMMERCIAL; SERIAL # 04:118:0025

THIS PARCEL IS LOCATED ON THE SOUTH SIDE OF THE MAESER HIGHWAY AND IS 5.23 ACRES. THE FUTURE LAND USE MAP SHOWS IT AS A MODERATE DENSITY RESIDENTIAL AREA. COMMERCIAL ZONING IS AT THE INTERSECTION NEARBY. PLANNING COMMISSION DID NOT HEAR ANY PUBLIC COMMENTS AND RECOMMENDED APPROVAL OF THE REZONE.

COMMISSIONER BURNS MOVED TO APPROVE THE REZONE AS PRESENTED. COMMISSIONER MCKEE SECONDED. MOTION PASSED UNANIMOUSLY.

**CONDITIONAL USE PERMIT:**

**6. DEARMON BATTY** – CUP FOR STORAGE WAREHOUSE BUILDING ON PROPERTY OWNED BY RICHARD AND PAMELA MERRILL, AT 2611 W 500 N, VERNAL; SERIAL # 04:118:0025

THIS IS A CUP FOR THE PROPERTY JUST REZONED. THEY WOULD LIKE TO PLACE THE WAREHOUSE ON THE SOUTHEASTERN CORNER OF THE PROPERTY. ACCESS IS CURRENTLY FROM THE NEIGHBOR ON THE EAST AND IS APPROVED. COMMISSIONER RAYMOND NOTED UDOT IS CUTTING DOWN ACCESS ON STATE HIGHWAYS. PLANNING COMMISSION RECOMMENDED APPROVAL WITH THE CONDITIONS TO FOLLOW ALL COMMERCIAL BUILDING REGULATIONS, A SITE PLAN MUST BE APPROVED, AND UDOT APPROVAL MUST BE OBTAINED. ONE MEMBER OF THE PLANNING COMMISSION ABSTAINED FROM VOTING.

COMMISSIONER MCKEE MOVED TO APPROVE THE CUP FOR A STORAGE WAREHOUSE BUILDING AS PRESENTED WITH THE CONDITIONS RECOMMENDED BY PLANNING COMMISSION. COMMISSIONER BURNS SECONDED. MOTION PASSED UNANIMOUSLY.

**7. MARK & BENNA MUTH** – CUP FOR FLAG LOT AT 933 W 2500 S, VERNAL; SERIAL # 06:024:0192

THE PROPERTY IS ZONED A-1 AND IS 2.10 ACRES. CURRENTLY IT HAS BEEN DIVIDED OUT AND THEN THEY FOUND THEY NEEDED A FLAG LOT APPROVAL. PLANNING COMMISSION DID NOT HEAR ANY PUBLIC COMMENTS AND RECOMMENDED APPROVAL WITH THE CONDITION TO FOLLOW ALL FLAG LOT REGULATIONS. THE ROAD TO THE PROPERTY IS 800 FEET AND THE RIGHT OF WAY IS 60 FEET. THE PROPERTY LINE WAS ADJUSTED NORTH TO ACCOMMODATE THE AMOUNT OF SPACE NEEDED FOR EMERGENCY VEHICLES.

JOLYN RUNOLFSON, WHO OWNS THE PROPERTY THE EASEMENT IS ON, ADDRESSED THE MEETING. SHE IS CONCERNED WITH THE UTILITIES. IT IS HER UNDERSTANDING THAT THE EASEMENT IS FOR EGRESS AND INGRESS ONLY. SHE IS CONCERNED WITH THE MAINTENANCE OF THE ROAD IF THE LOT IS SOLD. THEY ARE SELLING THE PROPERTY THEY OWN, BUT ARE CONCERNED FOR THEIR POTENTIAL PURCHASER. THERE IS A FENCE ALONG THE EASEMENT THAT HAS BEEN CUT. IF A GATE HAD BEEN ADDED, AS THEY WERE TOLD IT WOULD, THE FENCE WOULD NOT BE FALLING APART.

COMMISSIONER RAYMOND EXPRESSED HIS UNDERSTANDING THAT AN EASEMENT DOESN'T ALLOW UTILITIES UNLESS SPECIFIED BUT THE COUNTY CANNOT SAY ONE WAY OR THE OTHER. JON STEARMER AGREED. GENERALLY PUBLIC RIGHTS OF WAY ALLOW FOR UTILITIES AND PRIVATE EASEMENTS ARE MORE RESTRICTIVE AND SUBSERVIENT TO THE IMPACTED LAND OWNER. HE HAS NOT SEEN THE DOCUMENTATION AND CANNOT SAY ONE WAY OR THE OTHER. THIS IS A VALID CONCERN AND WOULD BE LEFT TO THE PRIVATE LANDOWNERS TO DETERMINE AND WORK OUT.

MARK MUTH ADDRESSED THE MEETING. ED GUDAC MADE THE SUBDIVISION AND MARK WAS THE FIRST BUYER. THE EASEMENT WAS EXTENDED IN 2003. THE FENCE PREVIOUSLY MENTIONED HAD BEEN BUILT OVER A FENCE THAT WAS ALREADY IN PLACE WITH A GATE. HE CUT THE FENCE, THERE WAS AN ISSUE, AND IT WAS SETTLED AT THAT TIME.

JOLYN RUNOLFSON ALSO QUESTIONED THE TRANSFER OF THE EASEMENT AS IT IS IN THE NAME OF MARK AND BENNA MUTH.

COMMISSIONER RAYMOND NOTED ALL THEY ARE DOING TODAY IS DETERMINING IF THE LOT MEETS FLAG LOT REQUIREMENTS. THEY WILL NOT DETERMINE THE VALIDITY OF EASEMENTS OR ABILITY TO BUILD ON THE LOT.

JON STEARMER ALSO NOTED THESE DISPUTES ARE BETWEEN PROPERTY OWNERS. THE COMMISSIONERS WILL DETERMINE IF THE FLAG LOT HAS ACCESS OR NOT. A BUILDING PERMIT WOULD REQUIRE PROOF THEY HAVE ACCESS TO UTILITIES. A TITLE SEARCH WILL ASSIST IN THE DISPUTES.

MATT CAZIER NOTED IF THE EASEMENT IS NOT ATTACHED TO THE PROPERTY IT WOULD NOT QUALIFY AS A FLAG LOT. CURRENTLY, MUTH USES THE EASEMENT TO ACCESS HIS PROPERTY TO THE NORTH OF THE PROPERTY IN QUESTION.

COMMISSIONER RAYMOND ASKED IF IT MEETS THE FLAG LOT REQUIREMENTS. CURRENTLY, IT DOES. IF THE EASEMENT CANNOT BE TRANSFERRED, THEN IT WOULD NOT. MARK MUTH ANSWERED COMMISSIONER RAYMOND'S QUESTIONS. THE WATER LINE RUNS DOWN A LINE ON THE WEST SIDE OF THE PROPERTY TO THE NORTH. THEY ONCE HAD AN ACCESS ON THAT SIDE AS WELL SO THE LOT IS NOT LANDLOCKED. THERE IS ALSO AN UTILITY POLE ON THE WESTERN BORDER AS WELL AS A GAS LINE.

THERE WAS A SMALL DISCUSSION ABOUT LEGAL REVIEW BEING DONE BY THE COUNTY ATTORNEY. IT IS NOT IN THE COUNTY'S BEST INTEREST TO GET INTO PRIVATE DISPUTES. JON STEARMER RECOMMENDED TO APPROVE SUBJECT TO MEETING THE FLAG LOT REQUIREMENTS.

COMMISSIONER MCKEE MOVED TO APPROVE THE FLAG LOT WITH THE CONDITION IT MEETS ALL FLAG LOT REQUIREMENTS. COMMISSIONER BURNS SECONDED. MOTION PASSED UNANIMOUSLY.

**8. MICHAEL & DEANNA DUNKER** – CUP TO DRILL A WATER WELL WITHIN THE ASHLEY SPRINGS PROTECTION ZONE AT 8155 INDIAN TRAIL RANCH ROAD; SERIAL # 03:035:0204

THIS PROPERTY IS 6.5 ACRES AND IS NORTH OF THE DRY FORK OVERLAY ZONE. THERE ARE A FEW OTHER HOMES AROUND THE PROPERTY. THEY PROVIDED INFORMATION SHOWING HOW DEEP THE NEIGHBORING WELLS WERE. THE REQUEST IS TO DRILL UP TO 350 FEET, THOUGH THEY ARE ANTICIPATING LESS THAN THAT. THE FIVE DIFFERENT NEIGHBORING WELLS VARY FROM 77 TO 300 FEET. SOME OF THE DOTS ON THE MAP PRESENTED WERE FOR APPROVED PERMITS THAT HAVE NOT YET BEEN DRILLED. THE ITEM WAS TABLED AT THE JUNE PLANNING COMMISSION MEETING. THE PUBLIC HEARING WAS CLOSED AT THE JUNE MEETING. THE JULY MEETING WAS NOT OPENED FOR PUBLIC COMMENT. PLANNING COMMISSION RECOMMENDED APPROVAL WITH THE CONDITION TO PROVIDE PROPER DOCUMENTATION TO THE WATER DIVISION, FOUR IN FAVOR AND ONE OPPOSED. THE OPPOSING VOTE FELT THERE WAS ENOUGH INFORMATION THAT THE WATER SYSTEM WOULD NOT BE AFFECTED.

COMMISSIONER BURNS ASKED THAT A DECISION BE MADE AFTER REVIEWING THE NEXT ITEM ALSO CONCERNING DRILLING.

**9. UTAH PHOSPHATE COMPANY** – CUP FOR 39 EXPLORATION DRILL HOLES WITHIN THE ASHLEY SPRINGS PROTECTION ZONE AT APPROXIMATELY 3500 W 9000 N TAYLOR MOUNTAIN; SERIAL #'S 03:074:0002 & 03:075:0001 & SITLA PROPERTY.

THERE ARE ONLY TWO FEE PARCELS INVOLVED AND THE REST OF THE AREA IN QUESTION IS SITLA LAND. THIS IS EAST OF THE DUNKER PROPERTY AND JUST EAST OF THE APPROXIMATE LOCATION OF ASHLEY SPRINGS. THESE DRILL HOLES ARE SUBJECT TO THE REGULAR STATE PROCESS OF DOGM. THIS ITEM WAS ALSO TABLED AT THE JUNE PLANNING COMMISSION MEETING REQUESTING MORE INFORMATION REGARDING PREVIOUS DRILL HOLES. THEY HAVE PROVIDED THE INFORMATION. IN

2012, HOLES WERE DRILLED 70 TO 270 FEET DOWN. THEY ARE REQUESTING 39 HOLES RANGING FROM 100 TO 250 FEET DEEP. A MAP OF THE OTHER HOLES IN THE AREA AND THEIR DEPTHS WERE PROVIDED. THERE WERE HOLES FROM 2011 AND BEFORE, 2012, AND PROPOSED HOLES. EACH SHOWED THEIR DEPTH. THIS INFORMATION WAS PRESENTED TO PLANNING COMMISSION IN THE JULY MEETING. THE PUBLIC HEARING HAD BEEN CLOSED IN THE JUNE MEETING. PLANNING COMMISSION RECOMMENDED APPROVAL WITH THE CONDITIONS TO FOLLOW ALL STATE REQUIREMENTS AND REPORT FINDINGS TO WATER RIGHTS. THREE VOTES IN FAVOR AND TWO OPPOSING. THE DESCENDING VOTES FELT THERE WAS NOT ENOUGH INFORMATION SHOWING THE DRILLING WOULD NOT HARM THE KARST SYSTEM AND TOO MANY HOLES WERE REQUESTED, THERE ARE PLENTY THERE.

COMMISSIONER BURNS ASKED MATT TO COMPARE THE LOCATION OF THE PROPERTIES IN QUESTION AND THE DUNKER PROPERTY. SHE ALSO ASKED ABOUT THE DIFFERENT DEPTHS. AS IT WAS EXPLAINED IN PLANNING COMMISSION, THE OVERBURDEN VARIES. THEY DRILL THROUGH THE OVERBURDEN TO HIT THE PHOSPHATE STRATA. THE TOPOGRAPHY VARIES SO THE ELEVATION MAKES A DIFFERENCE IN THE DEPTHS OF THE HOLES. THEY ALSO EXPLAINED THE GROUND WATER WOULD ALSO BE TESTED.

COMMISSIONER RAYMOND OPENED UP THE MEETING FOR PUBLIC COMMENT ASKING INDIVIDUALS TO REFRAIN FROM REPEATING COMMENTS AND LIMIT THEIR COMMENTS TO THREE MINUTES.

KEN BASSETT, VERNAL CITY MANAGER, ADDRESSED THE MEETING. AS THE COMMISSION KNOWS, 85% TO 90% OF THE CULINARY WATER SOURCE COMES FROM ASHLEY SPRINGS. THE REMAINDER, DURING TURBID TIMES, COME FROM RED FLEET RESERVOIR. WE KNOW THE SOURCE OF OUR WATER, THE KARST SYSTEM AND AQUIFER, IS A DELICATE SYSTEM. IT WOULD BE NICE TO KNOW EXACTLY WHAT IS GOING ON IN THE SYSTEM BUT WE JUST DON'T. WE DO KNOW THE INTENT OF THE PHOSPHATE COMPANY IS TO MINE THE AREA. VERNAL CITY IS OPPOSED TO A MINE AND THEREFORE IS OPPOSED TO ADDITIONAL DRILLING. THERE ARE JUST TOO MANY UNKNOWN. A CONDITIONAL USE PERMIT CANNOT BE APPROVED IF WE DO NOT KNOW THE NEIGHBORS ARE PROTECTED. THE WATER IS THE LIFE BLOOD OF THE VALLEY, GUESSING IS TOO BIG OF A RISK. HE ENCOURAGED THE COMMISSIONERS TO DENY THE CUP.

WAYNE STEVENS, A CONCERNED CITIZEN, ADDRESSED THE MEETING. HE WOULD LIKE TO FOCUS ON A STATEMENT MADE BY AGRUM ABOUT THE DRILL HOLES NOT DAMAGING THE ASHLEY SPRINGS AREA. HE QUOTED "A PICTURE IS WORTH A THOUSAND WORDS". THERE ARE PLENTY OF HOLES DRILLED IN THIS AREA. THEY HAVE DAMAGED THE WATER SHED. HE MADE AN ANALOGY WHERE THE ASHLEY SPRINGS IS A BOARD. AS HOLES ARE DRILLED IN SAID BOARD, THE INTEGRITY IS DIMINISHED. LAST FALL, MR. SHAFER SAID THERE IS AN AQUIFER AT 80 FEET. THESE HOLES ARE IN THAT AQUIFER AND IT CHANGES THE FLOW OF THE WATER. HE ALSO SERIOUSLY DOUBTS THE HOLES ARE PLUGGED AND CAPPED ALL THE WAY TO THE BOTTOM. THERE IS MORE TO THE WATER SOURCE THAN THE KARST SYSTEM. THE SUBSURFACE WATER FLOW PROVIDES A LOT. IT IS UNKNOWN AS TO WHETHER THE KARST SYSTEM MOVES TO AN ARTESIAN WELL AT SPRING CREEK OR NOT. DRILLING WILL CHANGE THE FLOW OF THE WATER. THERE IS A TIME AND A PLACE FOR MINING, BUT THIS IS NOT IT. HE ASKED THE COMMISSIONERS TO DENY ALL MINING ACTIVITIES. HE ALSO ASKED AGRUM TO REPEAL THEIR APPLICATION. HE ASKED THEM TO PROTECT THE WATER SOURCE FOR THOUSANDS AND ABANDON THE PATH OF DESTRUCTIVE ACTIVITIES.

BRENDA DURRANT, A CONCERNED CITIZEN, ADDRESSED THE MEETING. SHE EXPRESSED HER CONCERN THAT MR. HATCH, WHO ASKED FOR A DIFFERENT CROSS SECTION AT THE PLANNING COMMISSION MEETING WAS NOT ABLE TO COMMENT. IF THIS IS GOING TO BE CONSIDERED, MR. HATCH SHOULD HAVE THE INFORMATION HE NEEDS TO MAKE AN INFORMED SUGGESTION. WE DON'T KNOW HOW MUCH THE CURRENT WELLS HAVE IMPACTED THE WATER SYSTEM AND WE WON'T KNOW HOW MUCH IT WILL BE AFFECTED WITH MORE DRILLING. WE DO KNOW A PHOSPHATE MINE WILL BE TOO RISKY FOR THE WATER SOURCE AND A MINE IS THE ONLY PURPOSE FOR THESE DRILL HOLES. SHE ASKED THE COMMISSIONERS TO DENY THE CUP.

SCOTT HACKING, DISTRICT ENGINEER, INFORMED THE MEETING THE CUP WILL REQUIRE A STORM WATER PERMIT FROM THE DIVISION OF WATER QUALITY. THE PERMIT IS REQUIRED JUST AS IT HAS BEEN FOR PREVIOUS DRILLING.

JIM LEKAS, CITIZEN, GEOLOGIST BY EDUCATION, AND RETIRED FROM 30 YEARS OF MINING AND EXPLORATION ACTIVITIES, ALSO ADDRESSED THE MEETING. HE HAS REVIEWED THE PROJECT AND HAS HEARD MANY OF THE CONCERNS FROM THE COMMUNITY. IT IS HIS PERSPECTIVE THAT THERE IS A LOT OF HISTORY OF SHALLOW DRILLING THAT HAS SHOWN NOT TO HAVE HAD ADVERSE AFFECT ON ASHLEY SPRINGS. THE PROPOSED BORINGS ARE EQUALLY SHALLOW AND WILL NOT PROVE TO BE DETRIMENTAL. THERE IS A LOT OF TALK ABOUT WHAT WE DON'T KNOW AND WHAT WE ARE AFRAID OF. WHAT WE DO KNOW IS THERE HAS BEEN DRINKING WATER FOR THIS VALLEY FOR FORTY YEARS WHILE BORINGS HAVE BEEN TAKING PLACE. THERE HASN'T BEEN ANY DAMAGE. IF THE COMMISSIONERS CHOOSE TO BE CONSERVATIVE AND REINFORCE THE DOGM REGULATIONS, WHICH THESE DRILL HOLES MUST ADHERE TO, ERR ON THE SIDE OF ULTRA CONSERVATIVE. IT IS POSSIBLE TO REQUIRE A CONDITION THAT ALL BORINGS THAT AREN'T USED FOR MONITORING WELLS BE BACK FILLED FROM THE BOTTOM TO THE SURFACE WITH CEMENT OR BENTONITE TO ENSURE WATER DOESN'T ENTER THE BORINGS AND MIGRATE. HE ALSO NOTED MR. HATCH WAS ALLOWED TO COMMENT AT THE LAST PUBLIC MEETING AND DID NOT PROVIDE CONCERN REGARDING THE PRESENTED DATA.

ALAN HASLEM, UTAH PHOSPHATE COMPANY, ADDRESSED THE MEETING. HE HAD A PRESENTATION THAT SHOULD ANSWER SOME OF THE QUESTIONS. THEY FEEL THEY HAVE MET THE BURDEN OF PROOF; THEY HAVE SUPPLIED CROSS SECTIONS AND OTHER DATA. NUMEROUS HOLES HAVE BEEN DRILLED SINCE THE 70'S WITHOUT IMPAIRMENT. THERE ARE OTHER LARGER DIAMETER HOLES CLOSER TO THE SPRINGS. THE ABANDONED HOLES ARE FILLED WITH BENTONITE TO THE BOTTOM OF THE HOLE AND A CEMENT PLUG AT THE SURFACE. THERE IS ALSO A MARKER FOR FUTURE IDENTIFICATION. THEY ARE REQUESTING 39 HOLES IN ORDER TO MEET THE RECORDING REQUIREMENTS THEY HAVE FROM THEIR COMPANY. THEY CAN'T USE THE HISTORIC DATA THEY HAVE NOT OBTAINED AND THE AMOUNT THEY HAVE IS LIMITED. THE HOLES DRILLED PRIOR TO 2000 ARE 25 TO 150 FEET DEEP AND THERE ARE LESS THAN 75 HOLES. THE POTENTIAL INTERSECTION WITH THE MADISON FORMATION IS ABOUT 1760 FEET. IN THE EARLY 1980'S, VERNAL CITY DRILLED A CULINARY WATER WELL 810 FEET DEEP, WHICH IS 700 FEET FROM THE KARST SYSTEM IN THE MADISON FORMATION. THE TARGET ORE ZONE IS ABOUT 20 FEET THICK. THE VERNAL CITY WELL IS IN THE BOTTOM OF ASHLEY GORGE. IT BEGINS IN THE WEBER SANDSTONE AND TERMINATES IN THE NEXT LAYER DOWN. THE PROPOSED DRILL HOLES WILL TERMINATE IN THE TOP OF THE WEBER SANDSTONE LAYER. THE VERNAL CITY WELL IS 20 INCHES IN DIAMETER DOWN 72 FEET AND THEN NARROWS TO 14 INCHES THE REST OF THE WAY. THE PROPOSED HOLES ARE FIVE INCHES IN DIAMETER. SOME OF THE DRILL HOLES WILL BE USED AS PIEZOMETERS FOR ONGOING STUDIES. THIS IS NO DIFFERENT THAN ANY PREVIOUS DRILLING. THE USGS HAS ASKED FOR INFORMATION OBTAINED BY THE PIEZOMETERS. THE END OF THE HOLES WILL BE ABOUT 1800 FEET ABOVE THE MADISON FORMATION.

COMMISSIONER RAYMOND ASKED IF ALAN COULD GUARANTEE A LARGE MINE, INCLUDING BLASTING AND HEAVY EQUIPMENT, WOULD NOT IMPAIR THE SYSTEM. ALAN RESPONDED, AT THIS POINT THEY DO NOT HAVE ENOUGH DATA FOR A CONCLUSION.

JON STEARMER ASKED IF THEY KNEW WHERE THE TRANSITION IS BETWEEN THE KARST SYSTEM AND WHERE THE SPRING MANIFESTS. HE IS CONCERNED WHERE THE WATER SURFACES AND THE DISTANCE TO THAT POINT.

AFTER REVIEWING THE MAP, THE DISTANCES FROM WHERE THE SPRING MANIFESTS TO THE VERNAL CITY WELL IN THE WEBER SANDSTONE IS ABOUT 300 TO 400 FEET, WHICH IS THE HEIGHT OF THE GORGE.



MATT CAZIER ASKED IF THEY KNOW THE KARST SYSTEM IS IN THE MADISON FORMATION. ALAN SAID THEY DO KNOW THIS INFORMATION. WE DO NOT KNOW WHERE IT TRANSFERS FROM THE KARST SYSTEM TO THE MANIFESTATION AT THE SPRING.

MARTY BANKS, COUNCIL FOR UTAH PHOSPHATE, ADDRESSED THE MEETING. IN THE COURSE OF THE PASSAGE OF THIS ORDINANCE, THEY HAVE MET SEVERAL TIMES TO DISCUSS THE BURDEN SET FORTH ON THE PROPONENT TO PROVIDE EVIDENCE THE PROPOSED ACTIVITY WOULD NOT DIMINISH THE WATER FLOW. THE LAST MEETING QUESTIONED THE COMPARISON BETWEEN THE HOLE DEPTHS AND THEIR VICINITIES. THERE IS HISTORY THAT CAN BE USED AS PROOF. HE QUOTED SOME OF WHAT WAS SAID AT THE COMMISSION MEETING APRIL 8, 2013 WHEN THE ORDINANCE WAS APPROVED. SUMMED UP, IT IS NOT WISE TO PROHIBIT ALL DRILLING AS IT WOULD AFFECT THE STUDIES BEING DONE BY THE CITY AND COUNTY OVER THE NEXT FEW YEARS. THEY WERE INFORMED THAT HISTORIC USE COULD BE USED TO PROVE THERE WOULD NOT BE ANY ADVERSE REACTIONS WHEN DRILLING A WELL. MARTY ASKED THE COMMISSIONERS TO CONSIDER THE HISTORIC USE IN APPROVING THEIR REQUEST FOR 39 EXPLORATORY HOLES JUST AS THEY WOULD TO APPROVE A WATER WELL FOR PRIVATE USE. TODAY'S DISCUSSION IS THE APPROVAL OF EXPLORATORY DRILL HOLES, NOT A MINING OPERATION.

CINDY PERRY ALSO ADDRESSED THE MEETING. SHE IS NOT AS CONCERNED WITH THE DEPTH OF THE DRILL HOLES AS SHE IS WITH THEIR LOCATION. IT APPEARS THEY ARE CREATING A PERFORATED LINE OF SORTS TO PREPARE FOR EASIER MINING. SHE IS CONCERNED THERE IS SIMPLY MONETARY GAIN INVOLVED FOR THOSE IN FAVOR OF THE DRILLING.

CINDY EMMONS, NORWEST CORPORATION, ADDRESSED THE MEETING. THE 3-D IMAGES SHE WAS UNABLE TO GET TO PLAY ON THE PROJECTOR SHOWED THE KARST SYSTEM AND THE WELLS. HER COMPANY IS CONDUCTING HYDRO GEOLOGIC STUDIES. THE PROPOSED DRILLING IS CONSISTENT WITH HISTORIC DRILLING. THE DRILLING IS MORE THAN 1800 FEET FROM THE KARST SYSTEM AND SEVERAL HUNDRED FEET ABOVE VERNAL CITY'S DRILL HOLE A QUARTER OF A MILE FROM THE SPRING. THIS DID NOT IMPACT THE WATER. THE VIBRATION AROUND THE DRILLING HAS A TWO FOOT DIAMETER INFLUENCE ON THE GROUND. THE HOLES WILL BE COMPLETELY PLUGGED. THOSE LEFT AS PIEZOMETERS WILL BE SUBJECT TO REGULATIONS AS WELL. THEY HAVE HAD THE STORM WATER PERMIT RENEWED. THEY WILL BE COMPLYING WITH ALL DEPARTMENT OF ENVIRONMENTAL QUALITY REGULATIONS. IT IS NORWEST'S PROFESSIONAL OPINION THE DRILLING WILL NOT AFFECT THE SYSTEM.

COMMISSIONER RAYMOND ASKED CINDY IF SHE FELT A FULL MINING ACTIVITY WOULD HARM THE SYSTEM. SHE RESPONDED THEY DO NOT HAVE ENOUGH INFORMATION AT THIS POINT TO SAY.

JOSEPH SHAFFER, CONCERNED CITIZEN WITH PROPERTY IN THE VICINITY, ADDRESSED THE MEETING. HE IS REMINDED OF A SHIP THEY SAID WAS UNSINKABLE, BUT IT SANK. THE WELLS ARE LIKE A JENGA GAME. YOU CAN PULL PIECES AWAY AND IT WILL STAND, THE REMOVAL OF ONE PIECE WILL MAKE IT COLLAPSE. THERE IS NO WAY OF KNOWING WHICH PIECE OR WHEN. HE IS OPPOSED TO THE CONDITIONAL USE PERMIT.

COMMISSIONER MCKEE MADE A FEW COMMENTS. THEY HAVE RECEIVED MANY COMMENTS ON BOTH SIDES OF THE ITEM. HE RECOGNIZES THERE IS A LOT AT STAKE ON BOTH SIDES. THIS IS A CONTROVERSIAL ISSUE THAT REQUIRES A LOT OF EDUCATION AND DISCUSSION. THE COMMISSION MUST MAKE SURE THEY DO THE RIGHT THING. IT IS UNANIMOUS THAT THE WATER IS PROTECTED. STUDIES HAVE BEEN ORDERED TO OBTAIN MORE INFORMATION, AND WILL TAKE TWO TO THREE YEARS TO COMPLETE. THE COMMISSION WOULD LIKE THIS CONFLICT SETTLED PERMANENTLY. SOME DIALOGUE HAS BEGUN WITH SITLA AND THE BLM IN REGARDS TO TRADING PROPERTY. IT IS SITLA'S FIDUCIARY RESPONSIBILITY TO PROVIDE FUNDING FOR THE SCHOOLS. THEY ARE OPEN TO THE IDEA OF TRADING PROPERTY WITH BLM TO THE EAST. THERE WILL BE CONTINUED DISCUSSION. THE LANDS TRADED MUST BE OF EQUAL VALUE AND SOME CORE TESTING MAY BE NECESSARY TO DO SO. THERE IS NO WAY TO KNOW WHO WOULD WIN A LEGAL BATTLE IN REGARDS TO THIS DRILLING ISSUE.

JON STEARMER AGREED COMMISSIONER MCKEE SUMMED THINGS UP VERY WELL. HE ENJOYS THE WATER HE RECEIVES AS A CITIZEN. THE IDEA IS TO FIND A PERMANENT SOLUTION. THERE IS NO WAY TO KNOW IF UTAH PHOSPHATE COULD BE OUT OF BUSINESS IN FIVE YEARS AND SOMEONE ELSE COULD COME IN AND THE ISSUE WOULD ARISE AGAIN. THERE IS A PHOSPHATE FACILITY TEN MILES OR SO TO THE EAST. MOVING THE ACTIVITIES TO THE EAST WOULD STILL REQUIRE ALL DOGM, SITLA, AND WATER QUALITY REGULATIONS BE FOLLOWED. THE FURTHER FROM THE SPRINGS THE BETTER. THERE IS CURRENTLY A LAND EXCHANGE IN THE WORKS WITH SITLA AND BLM TO CONSOLIDATE. THIS TAKES YEARS TO COMPLETE. A LOT OF INFORMATION NEEDS TO BE GATHERED TO SATISFY ALL PARTIES IN REGARDS TO A LAND EXCHANGE. UTAH PHOSPHATE DOES NOT APPEAR TO BE OPPOSED TO THE LAND EXCHANGE.

COMMISSIONER MCKEE MOVED TO APPROVE THE CONDITIONAL USE PERMIT FOR 39 EXPLORATORY DRILL HOLES WITH THE PLANNING COMMISSION REQUIREMENTS AND THE CONDITIONS TO FOLLOW ALL COUNTY, STATE AND FEDERAL LAWS AND REGULATIONS. COMMISSIONER BURNS SECONDED. MOTION PASSED UNANIMOUSLY.

COMMISSIONER RAYMOND NOTED IT IS ON RECORD THAT AN UTAH PHOSPHATE EMPLOYEE AND CONTRACTOR SAID THEY DO NOT KNOW THE IMPACT A LARGE SCALE MINE WOULD HAVE ON THE WATER SYSTEM.

COMMISSIONER BURNS ALSO NOTED THIS APPROVAL ALLOWS THEM TO PROCEED WITH THE PROCESS TO STUDY, NOT TO MINE.

**8. MICHAEL & DEANNA DUNKER** – CUP TO DRILL A WATER WELL WITHIN THE ASHLEY SPRINGS PROTECTION ZONE AT 8155 INDIAN TRAIL RANCH ROAD; SERIAL # 03:035:0204

COMMISSIONER BURNS MOVED TO APPROVE THE CUP FOR A WATER WELL WITH THE CONDITION TO FOLLOW ALL COUNTY, STATE AND FEDERAL LAWS AND REGULATIONS. COMMISSIONER MCKEE SECONDED. MOTION PASSED UNANIMOUSLY.

**CONDITIONAL USE PERMIT – PUBLIC HEARING:**

**10. ENVIRONMENTAL ENERGY INNOVATIONS LLC** – CUP FOR A COMMERCIAL LAND FARM ON PROPERTY OWNED BY ROBERT WILLIAM FAMILY TRUST AT 18004 EAST HIGHWAY 40, JENSEN; SERIAL # 07:061:0001

THIS IS A TOTAL OF 335 ACRES; THE LAND FARM WILL UTILIZE 80 ACRES. THIS IS LOCATED ALONG HIGHWAY 40 ON THE WAY TO THE NATIONAL MONUMENT. IT IS IN MG-1, MINING AND GRAZING, ZONING. THE FUTURE LAND USE MAP SHOWS THIS AREA AS MG-1 AS WELL. A LAND FARM TAKES SOLID MATER FROM THE DRILLING OF OIL AND GAS WELLS AND MIXES IT WITH EXISTING SOILS ON THE SITE. THE SOIL IS THEN TESTED AND WHEN IT REACHES THE STANDARD, CAN BE USED FOR OTHER PURPOSES. IT IS MATT'S UNDERSTANDING THERE WILL NOT BE ANY EVAPORATION PONDS. THIS ITEM IS A PUBLIC HEARING BECAUSE THE NOTICES FOR THE PLANNING COMMISSION PUBLIC HEARING WERE NOT SENT OUT ON TIME. A DECISION CAN ALSO BE MADE TODAY. THE LAND FARM IS PROPOSED DIRECTLY NORTH OF THE HIGHWAY. PLANNING COMMISSION RECOMMENDED APPROVAL WITH THE CONDITIONS THEY USE ONLY 80 ACRES, SUBMIT A SITE PLAN SHOWING ACCESS OFF THE HIGHWAY, AND FOLLOW ALL STATE REGULATIONS. UNDER COUNTY ORDINANCE, THESE FACILITIES ARE NOT ALLOWED WITHIN TWO MILES OF STATE OR FEDERAL HIGHWAYS WITHOUT PERMISSION.

COMMISSIONER MCKEE EXPRESSED HIS CONCERN WITH POTENTIAL ODORS. COMMISSIONER RAYMOND OPENED THE MEETING FOR PUBLIC COMMENT.

RANDY VINCENT ADDRESSED THE MEETING. HE OWNS 40 ACRES NORTH OF THIS PROPERTY IN QUESTION. HE IS NOT OPPOSED TO THE PROJECT BUT IS CONCERNED WITH THE ODOR. MOST OF THE MATERIAL BEING BROUGHT IN WILL BE THE PRODUCED SOLIDS IN THE TANK BOTTOMS. THERE ARE

CHEMICALS INVOLVED WITH THE WELL DRILLING THAT PRODUCES THESE SOLIDS AND THERE IS A SMELL.

DARRIN BROWN ADDRESSED THIS ITEM. SOME LAND FARMS HAVE ISSUES WITH ODOR COMPLAINTS. SOME OF THESE ODORS HAVE RESULTED IN HOSPITALIZATION. THERE COULD BE MORE COMPLAINTS AS IT IS RIGHT NEXT TO A HIGHWAY. IT SHOULD BE LOCATED FURTHER FROM PEOPLE. MORE EXPLANATION ABOUT THE SOLIDS WILL BE NEEDED TO DETERMINE THE CORRECT PERMIT FOR THE LAND FARM.

TERRY SHERMAN ADDRESSED THE MEETING. THEY HAVE A SIMILAR FACILITY IN DUCHESNE COUNTY. THEY HAVE NOT RECEIVED ANY COMPLAINTS THEY ARE AWARE OF. TO KEEP THE ODOR AS LOW AS POSSIBLE, THEY MIX THE MATERIAL AS QUICKLY AS THEY POSSIBLY CAN. THE MATERIAL THEY RECEIVE GENERALLY DOESN'T HAVE MUCH ODOR, WATER RECOVERY DOES. THEY WILL NOT BE DOING ANY WATER RECOVERY. THE PROPERTY WILL LOOK MUCH LIKE A PLOWED FIELD. AS IT IS MIXED THE SMALL AMOUNT OF ODOR IT DOES HAVE WILL DIMINISH.

COMMISSIONER MCKEE CLARIFIED THIS IS A SCENIC BYWAY. HE WOULD LIKE TO SEE THE PROJECT MOVED FURTHER FROM THE ROAD. TERRY AGREED. THE SOIL ANALYSIS THAT STILL NEEDS TO BE DONE WILL DETERMINE EXACTLY WHERE THE FARM WILL BE LOCATED. THEY WOULD LIKE IT AS FAR FROM THE ROAD AS POSSIBLE AS WELL. VINCENT'S PROPERTY IS NOT ADJACENT TO THIS PROPERTY. THEY ARE ABOUT A HALF MILE TO THE NORTH AND WEST. THE ENTIRE PARCEL IS WITHIN TWO MILES FROM THE ROAD.

COMMISSIONER BURNS ASKED ABOUT DUST CONTROL. TERRY REPLIED THERE WILL BE A DUST CONTROL PLAN.

JOSEPH SHAFFER ASKED ABOUT VOC, VOLATILE ORGANIC COMPOUNDS, CONTROL. TERRY REPLIED. THE FASTER THE SOLIDS ARE MIXED IN THE FASTER THE COMPOUNDS ARE BROKEN DOWN AND THE LESSER THE VOC PROBLEM. THE SOLIDS WILL BE STAGED AND PREMIXED; THIS INITIAL PROCESS SHOULD BE DONE WITHIN 72 HOURS OF RECEIVING IT. ONCE THE SOIL TESTS CLEAN, THE PRODUCER HAS FIRST OPTION TO PURCHASE IT.

DARRIN BROWN ASKED IF THIS WOULD BE A HAZARDOUS SOLIDS SITE OR DOGM. TERRY REPLIED IT IS BOTH. ABOUT 60 ACRES WILL BE DOGM AND THE REMAINDER HAZARDOUS SOLIDS.

COMMISSIONER RAYMOND COMMENTED THIS IS A WAY TO MAKE HAZARDOUS WASTE SOUND AND ENVIRONMENTALLY SAFE. HE CLOSED THE PUBLIC HEARING.

COMMISSIONER BURNS MOVED TO APPROVE THE CONDITIONAL USE PERMIT FOR A LAND FARM WITH CONDITIONS TO FOLLOW ALL STATE REGULATIONS, ADDRESS ODOR CONTROL AND DUST CONTROL AND LOCATE AS FAR FROM THE HIGHWAY AS POSSIBLE. COMMISSIONER MCKEE SECONDED. MOTION PASSED UNANIMOUSLY.

**BOARD APPOINTMENTS: NONE**

**ADJOURN:** MEETING ADJOURNED AT 1:40 PM.

  
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MARK RAYMOND, CHAIR

  
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MICHAEL W. WILKINS, CLERK-AUDITOR